Mr. K. T. Bhashyam.—

Even if only some of the members would do it, is it not less costly for Government themselves to supply the information ?

Third Member of Council.—

No cost is involved. Any member can visit the Library and collect the information.

Mr. K. T. Bhashyam.—

Instead of that, why not Government supply the information ?

Third Member of Council.—

It is not possible to furnish information asked for in every question.

GOVERNMENT BUSINESS.

BILLS.

VI. Amendment of Income-tax Regulation.

Statement of Objects and Reasons.

Following the Income-tax Law in British India, it is proposed to withhold the grant of refunds under Section 48 (small incomes relief) from non-residents who are not Mysore subjects or British Indian subjects, while refunds to non-resident Mysore subjects or British Indian subjects will be allowed and calculated not with reference as at present to the claimant's total income taxable in Mysore, but with reference to his total income wherever derived which would be taxable if it accrued, arose or was received in Mysore. Non-residents now enjoy an unfair advantage over residents as their incomes earned abroad cannot be taken into account in the calculation of total income for the purpose of determining claims to refund and there is no justification for this position. It is therefore proposed to amend the law suitably to secure these objects.

A BILL TO AMEND THE MYSORE INCOME-TAX REGULATION, 1923, FOR CERTAIN PURPOSES.

Whereas it is expedient further to amend the Mysore Income-tax Regulation, 1923, for certain purposes hereinafter appearing : it is hereby enacted as follows:—

Short title and commencement

1. (1) This Regulation may be called the "Mysore Income-tax (Amendment) Regulation, 1928."

(2) It shall come into force at once.

Amendment of Section 48, Regulation V of 1923.

2. To Section 48 of the Mysore Income-tax Regulation, 1923, the following sub-sections shall be added, namely:—

"(4) For the purposes of this Section, 'total income' includes, in the case of any person not resident in Mysore, all income, profits and gains wherever arising, accruing or received which if arising, accruing or received in Mysore would be included in the computation of total income under Section 16."

"(5) Nothing in this Section shall entitle to any refund any person not resident in Mysore who is neither a subject of His Highness the Maharaja of Mysore, nor a British subject of Indian domicile."

THE LEGAL REMEMBRANCER and THE SECOND MEMBER OF COUNCIL explained the principles of the Bill, which were put to vote and passed unanimously.

IV. Amendment of the Mysore Municipal Regulation, 1906.

GENERAL PRINCIPLES OF THE BILL FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION, 1906.

When the Bill further to amend the Mysore Municipal Regulation since promulgated as Regulation No. VIII of 1927, was introduced in the Legislative Council in December 1926, it was suggested by some non-official members that a special Committee might be appointed to examine the provisions of the Municipal Regulation and suggest improvements. A Committee has accordingly been appointed and is examining the question of improvements to be made in the existing law. Pending the submission of their final report which will take some time, the Committee recommend that action should be taken to provide for the following matters in the existing Regulation.

1. Deposits by Candidates for Election.

2. The Committee considers that in order to discourage candidates who have no chance of securing a reasonable percentage of the votes polled from standing for municipal elections, nomination papers of candidates for elections should not be accepted unless they are accompanied by a suitable deposit and that the deposit should be forfeited if the candidate does not secure a minimum number of votes.

2. Deposits by Persons contesting Elections held and appeal on Election on point of Law.

3. The Committee also considers that in order to put down frivolous applications to the Judge for contesting the validity of elections of Councillors and of Presidents by the general body of voters, applicants should be required to make a deposit along with their applications as security for costs and that the decision or order of the Judge should be made appealable to the Chief Court on a point of law.

3. Removal of Sex-Disqualification.

4. The Committee is of opinion that women should no longer be disqualified from becoming Municipal Councillors and that the provision in the Regulation should be amended on the lines of the Municipal Acts in force in British India.

4. Compounding of Tolls.

5. The Committee recommend that Municipal Councils should be empowered to compound payment of tolls as in the case of District Boards.

5. Amendment of Section 186-B of the Municipal Regulation.

6. Salaried servants of Government who are appointed as Municipal Commissioners hold office for such time as their services can be spared in the exigencies of service. The Committee recommend that the provision in Section 186-B of the Regulation, prescribing the term of the Municipal Commissioner in the first instance for a period of 3 years, may be applied only to Municipal Commissioners who are not salaried servants of Government. The present amendment is intended to bring the provisions of the section into conformity with the existing practice.

6. Amendment of Section 26.

7. It is also suggested that Section 26 of the Regulation may be amended so as to make it clear that a motion or proposition which a Councillor proposes to move at a Municipal meeting should relate to matters connected with Municipal administration.

8. A draft Bill further to amend the Municipal Regulation on the lines recommended above is placed before the Representative Assembly, for an expression of their views, on the principles of the proposed legislation.

A BILL FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION, 1906.

Amendment of Section 13.

1. The following shall be inserted at the end of Section 13 as sub-section (4) thereof:—

Deposit by candidates.

"(4) (*a*) Every candidate shall deposit or cause to be deposited with the Returning Officer along with his nomination paper a sum of Rs. 150 in cash and no application for candidature shall be valid unless accompanied by such deposit.

(*b*) Any candidate may withdraw his candidature by notice in writing and delivering the same to the Returning Officer or other person authorised to receive the same on or before 3 P.M. of the next working day after the latest date on which nomination papers are required to be presented. A candidate who has withdrawn his candidature shall not be allowed to cancel such withdrawal.

(*c*) If a candidate by whom or on whose behalf the deposit referred to under clause (*a*) has been made, withdraws his candidature in the manner and within the time specified under clause (*b*), or if his name is rejected by the Returning Officer, the deposit shall be returned to the person by whom it was made, and if any candidate dies before the commencement of the poll, any such deposit, if made by him, shall be returned to his legal representative or if not made by the candidate, shall be returned to the person by whom it was made or to the legal representative of such person.

(*d*) If a candidate by whom or on whose behalf the deposit referred to in clause (*a*) has been made is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled, the deposit shall be forfeited to the Municipal Council.

(*e*) If the deposit made in respect of a candidate who is not elected, is not forfeited under clause (*d*), it shall be returned to him or to the person who has made the deposit on his behalf or to their legal representative, as the case may be, as soon as may be after the publication of the result of the election in the Gazette, provided that, if a candidate has stood for election in more than two constituencies, not more than two of the deposits made by him or on his behalf shall in any case be returned and the remainder shall be forfeited to the Municipal Council."

Amendment of Section 15.

2. The words "who is of the female sex, or" occurring in clause (*c*) of sub-section (1) of Section 15, shall be omitted.

Amendment of Section 22.

3. For sub-sections (1) and (2) of Section 22, the following shall be substituted:—

(1) "At any time within 10 days after the date of the declaration of the result of an election of a Councillor or of a President under clause (*d*) of sub-section (2) of Section 23, any candidate who stood for election or any ten persons qualified to vote at that election, may apply together with a deposit of Rs. 100 in the case of City Municipalities and Rs. 50 in the case of other Municipalities as security for costs to the District Judge of the district within which the election has been or should have been held, for the determination of the validity of the election.

(2) The District Judge or such other Judge as may be appointed by the Government in this behalf may, after such inquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purpose of the said enquiry, the District Judge may summon or enforce the attendance of witnesses and compel them to give evidence as if he were a Civil Court and he may also direct, by whom the whole or any part of the cost of any such inquiry shall be paid. If the costs are to be paid by the candidate whose election is contested, the whole of such costs and if the costs are to be paid by the petitioner or petitioners, such portion, if any, of the costs as is in excess of the sum paid at the time of the presentation of the application, shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure. The procedure prescribed in the Code of Civil Procedure, shall, as far as possible, be followed in such

enquiries. An appeal shall lie to the Chief Court from the order of the District Judge, provided it is only on a point of law and is preferred within 15 days from the date of such order exclusive of the time requisite for obtaining a copy of the order. If the Judge sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh one.

Addition to Proviso to sub-section (3) of Section 26.

4. The following shall be added after sub-section (3) of Section 26, namely "Provided that the motion or proposition of which a Councillor or Councillors shall have given notice shall relate to matters connected with the Municipal Administration and shall not be inconsistent with the provisions of this Regulation."

Amendment of Section 31.

5. In Section 31 of the Regulation, the words "of either sex" in paragraph 1 and the words "save as regards the disqualification on the ground of sex" in the second paragraph shall be omitted.

Amendment of Section 71.

6. Sub-section (4) of Section 71 shall be numbered as sub-section (5) and in that sub-section for the word and figure "sub-section (3)," the words and figures "sub-sections (3) and (4)" shall be substituted and the following inserted as sub-section (4) of the section:—

"(4) The Municipal Council may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the Municipal Council and to be paid monthly, quarterly, or half-yearly, in advance in lieu of all tolls payable in respect of any vehicle or animal belonging to such person and issue a pass for the free admittance of the vehicle or animal, within the limits of the Municipality, provided that the sum charged shall not be less than one-half of the amount which such person would have been liable to pay if the vehicle or animal had to pay toll once every day during the period for which the pass is issued."

Amendment of Section 186-B.

7. In sub-section (1) of Section 186-B (*a*) after the words "a Municipal Commissioner" the words "who is not a salaried servant of Government" shall be inserted;

(*b*) the following shall be inserted at the end of the sub-section:—

"A Municipal Commissioner who is a salaried servant of Government shall hold office for such period as the Government may from time to time fix in each case."

THE LEGAL REMEMBRANCER explained the general principles of the Bill.

The provisions of the Bill were discussed one by one.

With reference to the proposal that nomination papers of candidates seeking election should be accompanied by a suitable deposit, MR. S. N. M. RAZVI observed that even without such a provision there were not enough public workers forthcoming and that if such provision was made the few that were now available would be dissuaded from seeking election. He added that the real grievances of the rural population were known better to the poor people and that these were not in a position to make any deposits. By insisting on it, Government were only facilitating the richer persons to stand for election. Canvassing for votes was itself an up-hill work for the candidates, and they could not put themselves to the additional trouble of finding the money required to make deposits. There was also no need for making a provision of the kind, because irrespective of the number of candidates, the same cost was entailed in publishing the lists, the same polling stations had to be appointed, and the same procedure observed in disposing of election appeals : in fact, if there were more of such appeal cases, Government stood to profit all the more by way of court fees, etc.

THE FIRST MEMBER OF COUNCIL explained that the real object of the Bill was that a smaller number of candidates meant a better scope for the electors to exercise their discretion and vote for the candidates who are most suited under democratic principles. He explained that by a process of elimination, the candidates who commanded the confidence of a larger number of electors would get elected.

MR. RAZVI did not believe that any great purpose would be served by providing for deposits. Even if such a practice existed elsewhere, conditions there were different from those in Mysore, and there was nothing to warrant the adoption of such a practice in Mysore.

MR. G. B. RAGHAVENDRACHAR regretted that Government should have taken the initiative in this matter when the concerned local bodies themselves had not asked for such a provision. He did not think that a measure like this was found in any British Indian Municipality or Corporation. He therefore strongly opposed it.

MESSRS. B. L. BYANNA, B. GOPALACHAR, RANGASWAMIENGAR of Magadi and some others also expressed the same views, and Mr. Rangaswamiengar added that if Gov-

ernment wanted only particular persons to seek election they could as well nominate them straightaway.

In further explaining the objects of the measure MR. B. NARASINGA RAO observed that this was proposed to be applied to the Town and City Municipalities, a separate Regulation being proposed for the Minor Municipalities. It was with that idea that a special Committee was appointed by the Government.

THE DEWAN added that the provision under discussion applied at present only to the Bangalore and Mysore Cities and that it would not be extended to any other Municipalities unless they desired it.

MR. VENKATASWAMI GOWDA and several other members expressed themselves in favour of the measure, and MR. H. C. DASAPPA added that the amount of deposit might be reduced to Rs. 100 so as to enable the poorer candidates also to stand for election.

MR. SIDDALINGADEVARU thought that it should be possible for the ordinary candidate to deposit a hundred rupees.

THE DEWAN replied that action had been taken in this behalf also and observed that a provision like the one under discussion would have a very wholesome effect on the local administrations.

The first clause of the Bill was thereupon put to vote and passed by a majority.

The second, third and fourth clauses relating to (1) deposits by persons contending an election, (2) removal of the sex disqualification, and (3) compounding of tolls were then discussed and passed.

The fifth clause relating to the amendment of Section 186-B of the Municipal Regulation was then taken up.

MR. BELUR SRINIVASIENGAR observed that even though there was a provision which required that a Commissioner once appointed should not be disturbed for a period of three years, frequent changes of personnel were being ordered in the case of the Bangalore City Municipality. It took a new Commissioner at least six months to acquaint himself with local conditions and it was necessary that he was retained in that place sufficiently long to give the Municipality the benefit of his knowledge and experience. He thought it was necessary to lay down that at least for two years no Commissioner should be disturbed from his place. He was of opinion that at present, the Commissionership

was only a stepping stone for Senior Assistant Commissioners to appointment as Deputy Commissioners.

THE DEWAN replied that things were being done in the best interests of the Municipality itself and that Government should be trusted to exercise their discretion in the best manner possible. He said that the idea underlying the amendment was that the moment the Commissioner ceased to give satisfaction, he should be taken away, but that if it was found necessary to retain a particular officer in the same place, this would certainly be done.

MR. BELUR SRINIVASIENGAR was of opinion that a Commissioner should not be disturbed for at least two years.

THE DEWAN replied that a binding provision like that would not be advantageous either to Government or to the Municipality.

MR. B. NARASINGA RAO said that the provision enabled Government to keep the officer in the same place even for six years while it also gave them power to remove him if he did not give satisfaction.

MR. RAGHAVENDRACHAR pressed for a minimum period of two years being specified.

MR. M. RAMACHANDRA RAO SCINDIA was not for continuing the same Commissioner for three years.

The question was at this stage put to vote and passed by a majority.

The last clause relating to the amendment of Section 26 was then taken up.

MESSRS. K. T. BHASHYAM, G. B. RAGHAVENDRACHAR, M. RAMASWAMY, B. L. BYANNA and several other members were opposed to it. They were not aware of any instances of Municipal Councils where subjects were brought up for discussion, which did not concern the Municipal administration directly. Mr. Bhashyam added that to consider this question in the absence of real necessity for it was a needless insult to the intelligence of Municipal Councils.

MR. B. NARASINGA RAO observed that there were instances of questions not concerning District Board administration being brought up.

THE FIRST MEMBER OF COUNCIL added that general or provincial questions which properly had to be discussed by the Representative Assembly or the Legislative Council were being discussed by local bodies, and that it was with a view to put an end to such a procedure that this clause was proposed to be inserted.

MR. VEMA REDDY saw nothing objectionable in the amendment, if it was a fact that no matters outside the Municipal administration were ordinarily discussed at the meetings. The object was to see that the time of the Council was not wasted.

MR. B. L. BYANNA said that if this was agreed to, Municipal Councils could not exercise the privilege, for instance, of presenting Addresses to distinguished visitors to the State.

MR. B. KESHAVAIYA said that this was provided for in the Regulation already, but that the Councils should only obtain previous permission from Government to present such Addresses.

MR. B. SRINIVASIENGAR of Anekal and MR. C. SUBBA RAO said that if arbitrary powers were given to the President, he might disallow any question as not pertaining to the local Municipal administration directly. They said that the power should remain in the Council.

THE DEWAN replied that the President was expected to be reasonable in his attitude.

MR. BELUR SRINIVASIENGAR pointed out that the provision under discussion was already included in a way in the existing Regulation and that therefore there was no necessity for any fresh section such as the one proposed, unless the President wanted more powers for himself.

THE FIRST MEMBER OF COUNCIL observed that there was no harm in having the clause under reference, and MR. H. C. DASAPPA also agreed in this view. THE FIRST MEMBER added that if it was considered unnecessary, the Legislative Council would, of course, say so, and Government would surely drop it.

MESSRS. B. S. RANOJI RAO, KESHAVAIYA and S. N. M. RAZVI all agreed with Mr. Belur Srinivasiengar's views.

KHAN BAHADUR MAHOMED ABBAS KHAN said that the very preamble to the Municipal Regulation showed that the measure was meant to make better provision for the management of municipal affairs, and hence, he thought that matters unconnected with the Municipal administration could not be brought up for discussion at the Municipal meetings. However, Clause 3 of Section 26 of the Regulation did not specifically mention that only matters connected with the Municipal administration could be brought up at the meeting contemplated therein. On the other hand, Sub-Clause 2 of Section 26 (*b*) referred only to matters connected with Municipal administration. The result was that there would

always be difference of opinion between the members of the Council and the President in the interpretation of the clauses in question and the disallowance of particular questions brought up for discussion. With a view to clear the doubt involved in the matter, he said that it was proposed to add a proviso to Sub-Section 3 of Section 26. He also referred to an anomaly under the existing provisions. Under Sub-Section 3, if any 10 members gave notice to the President for calling a meeting, it was obligatory on his part to do so, and if the matter proposed to be discussed there was outside the Municipal administration, the President had the power to disallow such a question. In any case, he said that there ought to be a meeting at which the question should be formally decided. He said that by the proposed amendment, this anomaly also would be obviated.

MR. K. T. BHASHYAM on the other hand, thought that the introduction of an amendment of the kind suggested would be tantamount to an insult to the intelligence of the Municipal Councillors. He was of opinion that even after the amendment was passed, there would always be difference of opinion between the members and the President, whenever the latter disallowed any proposition brought up for discussion.

MR. C. NARASIMHAIYA was of opinion that it should be left to the Municipal Council to decide whether a particular matter sought to be discussed related to Municipal administration or not, and that the decision should not rest with a single individual, namely the President. He said that the effect of the proposed amendment was to vest such a power of decision in the President which ought not to be allowed. He also said that the Mysore Municipal Council had no such sort of difficulty in such matters and it was a surprise how difficulties arose in the Bangalore Municipal Council alone.

MR. RAMACHANDRA RAO SCINDIA also was of the same opinion.

MR. SIDDALINGADEVARU thought that the President elected by the Council ought not and did not go generally against the wishes of his electors. He was of opinion that if the Bangalore City Municipality wanted the proposed power of decision to be vested in the President, he had no objection. But that the provision need not be extended to other Municipalities.

THE FIRST MEMBER OF COUNCIL said that there was no difference of opinion in the Assembly that only such matters

should be discussed in the Municipal Council, as related to Municipal administration. But the only point in doubt was whether the President or the Council should decide whether a particular matter related to Municipal administration or not. He thought that the matter might be left for the decision of the Legislative Council.

MR. C. SUBBA RAO thought that there was no hurry for it and that the matter might be placed before the Assembly in a final form once for all at the next session.

THE LEGAL REMEMBRANCER TO GOVERNMENT thought that the present amendment might be accepted by the House and the question as to who should decide whether a matter pertained to the Municipal administration or not, might be left to be decided by the Rules.

MR. BELUR SRINIVASAIYENGAR referring to Clause 2 of Section 26 said that the President under the existing Regulation was bound to call a special general meeting at the written request of not less than one-third of the Councillors to discuss any definite matter referred to therein, but that after the passing of this amendment, the President might simply say that the matter did not come under the Municipal Regulation and refuse to call for a meeting.

THE THIRD MEMBER OF COUNCIL said that that would be quite right, if the question did not relate to Municipal administration at all.

MR. BELUR SRINIVASAIYENGAR thought that the proposed amendment in that case would take away the right that is now allowed to the Council in the matter of compelling the President to call for a special meeting, and that it might defeat the very object of the section. He, therefore, thought that the amendment should be re-drafted so as to give the power of decision to the Council instead of to the President.

MR. K. T. BHASHYAM also was of the same opinion.

The question of giving the power to decide whether a question was within or outside the Municipal administration to the President was put to vote. Three members voted for vesting the power in the President and the rest for vesting it in the Council.

With reference to the above result of voting, THE DEWAN said that the only difficulty was that the discussions on particular matters discussed at the special meeting would get undue publicity, particularly when they related to delicate matters.

MR. BELUR SRINIVASAIYENGAR replied that in those cases, the meeting might be cleared of the Press Correspondents.

THE DEWAN, however, said that the Government had an open mind in the matter and that the whole thing would be discussed in the Legislative Council.

V. The Prevention of Adulteration Amendment Bill.

The Mysore Prevention of Adulteration Regulation, IX of 1921, was introduced into the Kolar Gold Fields in 1924, and rules for the working of the Regulation there were issued with Notification No. L. 2100—San. 49-21-18, dated the 11th September 1924.

The Madras Government having in the meanwhile published the Bill for the Amendment of the Madras Prevention of Adulteration Act, the Sanitary Commissioner was asked to examine our Regulation and see if an amendment of the Mysore Regulation on similar lines was called for. He referred the matter to the Sanitary Board, Kolar Gold Fields, who considered that in view of the difficulties experienced by them in the practical working of the Regulation, the amendment of the Regulation was necessary. The Sanitary Commissioner has thereupon submitted the draft of a Bill based on the Madras Prevention of Adulteration Amendment Bill.

The object of this amending Bill is to remedy the defects noticed in its actual working on the Kolar Gold Fields and to render the Regulation more useful and effective. The main points in respect of which the Bill requires amplification are the following:—

1. Definition of milk and cream;
2. Control of the maker and the dealer of any article of food;
3. Fixing standards of coffee and tea, with a view to prevent the sale of tea and coffee unfit for human consumption; and
4. Powers of Government in the matter of framing rules for the better working of the Regulation.

The amendments proposed appear to be desirable and necessary and may perhaps be approved.

THE LEGAL REMEMBRANCER TO GOVERNMENT explained the general principles as above.

MR. L. VEMA REDDY thought the measure could be made the means of harassment to the raiyats by interested people who would adulterate the milk purchased from them and thereafter furnish evidence to show that the adultera-

tion was made by the raiyats. This, he thought, should be guarded against.

The motion was put to vote and passed.

VII. Amendment of the Game and Fish Preservation Regulation, II of 1901.

The opinion of the Representative Assembly is wanted on two points:—

(1) The Committee appointed in 1926 to investigate the condition of Game in the State has stated in its report to Government that on account of indiscriminate shooting of tigers these animals are getting very scarce in the State, and, that if they are not to disappear altogether, steps should be taken to prevent their destruction. It is proposed to include "tiger" in the definition of Game under Section 2 of the Game and Fish Preservation Regulation for the purpose of exercising the necessary control by the issue of licenses.

(2) Under Section 12 of the same Regulation, owners of land are permitted to pursue, kill or capture animals doing damage to their crops. The Committee are of opinion that the power to pursue has been grossly misused and that therefore it should be withdrawn. There is now no provision in this section for killing or capturing Game for the protection of cattle. This provision is considered necessary. It is proposed to amend the section accordingly.

THE LEGAL REMEMBRANCER TO GOVERNMENT explained the general principles as above.

MR. L. VEMA REDDY enquired why for the sake of creating facilities for Shikaries, the shooting of tigers should be prevented. He was of opinion that wild beasts and poisonous serpents should be destroyed by every means possible. He also brought to notice that in certain places, the havoc wrought by tigers was incalculable and it would not be right to insist upon licenses being taken before the tigers were destroyed.

MR. NADIG BHASKARA RAO and several other Malnad members said that there was already incalculable devastation by wild beasts in the Malnad and if a Regulation of the kind proposed was passed, the destruction by wild beasts would go unhampered.

THE DEWAN said that Government would give free licenses for the Malnad, if need be.

MR. H. C. DASAPPA said that instead of passing a Regulation like this, it would be far better to constitute separate Game Preserves in special localities.

THE SECOND MEMBER OF COUNCIL said that two points were involved in the amendment. One was to prevent the indiscriminate destruction of tigers and the second was to provide for killing of tigers for protecting cattle. With regard to the first he said that Government had at present the power to declare what animals came under the definition of Game. What was suggested in the amendment was to mention "Tiger" specifically in the section concerned.

MR. K. T. BHASHYAM IYENGAR enquired why Government were so solicitous to the welfare of tigers.

THE THIRD MEMBER OF COUNCIL replied that in the natural economy of life, it had been found out by scientists that wild beasts had also a purpose to serve, and that the entire disappearance of such animals would deprive the country of important benefits.

MR. M. S. LINGE GOWDA suggested that the actual raiyats might be exempted from the operation of the measure, as they did not kill tigers promiscuously, unless they were a source of danger to their crops.

All Malnad Representatives said that such restrictions should not be placed.

At this stage, the Assembly rose for lunch and reassembled at 3-30 P.M.

THE CHIEF CONSERVATOR OF FORESTS said that the Department had been giving all facilities to the people to protect themselves and their crops against the ravages of wild beasts, that the villagers need not take license to shoot tigers and that under Section 12 of the Regulation, they were permitted to kill the animals doing damage to their crops. Since it was stated that the villagers were ignorant of the Rules, he promised to give wide publicity to them and also to issue free licenses to people wherever the tiger scare was great. He also promised to define such areas.

MESSRS. C. SUBBA RAO, M. S. LINGE GOWDA, APPAJIAH and K. T. BHASHYAM IYENGAR represented that it was unnecessary to control the destruction of tigers, as shooting would be resorted to only as a measure of self-protection. They were of opinion that indiscriminate shooting of tigers was resorted to only by those who indulged in it as a Game and that there was no objection to every restriction being imposed on such people.

As the majority of the members were not in favour of the proposed amendment, the consideration of the Bill was deferred.

IX. General principles of the Bill to amend the Mysore District Board's Regulation.

Removal of Sex Disqualification for Candidates.

The Committee appointed to consider the amendment of the Mysore Municipal Regulation have recommended that the disqualification for women to become members of Municipal Councils may be removed. Under the existing District Board's Regulation also, women cannot stand for election at District Board elections and Government consider that as there is no such restriction in British India the restriction in Mysore may be removed.

The principles were accepted by the House without discussion.

PRIVATE BILLS.

Statement of General Principles of two Bills of Khan Bahadur Mahomed Abbas Khan to be placed before the Representative Assembly.

I. Amendment of the Mysore Municipal Regulation of 1906.

Section 96 is an important one dealing as it does with matters concerning rights of private property, such as construction of buildings on private lands, powers of Municipal Council to pass orders to suspend work or to demolish a structure. The power to exercise all functions under this section is entirely vested in the Municipal Commissioner, *vide* Sub-Section (2) of Section 186 (G) and his decisions are not appealable, *vide* Section 186 (L). It is therefore expedient and necessary to allow a right of appeal in such cases involving the questions of private rights by making the orders of the Municipal Commissioner appealable to the Municipal Council. Hence it is proposed to amend Section 186 (L) accordingly.

In expiaining the statement of objects and reasons, Khan Bahadur Mohamed Abbas Khan pointed out that

the only remedy against the action of the Municipal Commissioner under Section 96 lay in resorting to the Civil Court and obtaining a decree. The object of the amending Bill was to obviate this difficulty by making the orders of the Municipal Commissioner appealable to the Municipal Council just as there was scope for appeal in regard to other acts of the Municipal Commissioner, *viz.*, (i) fixing the rates of taxes, (ii) powers of punishment over the staff of the Municipal Council, (iii) granting Municipal license for certain commodities, (iv) acquisition of portions, of private property, (v) construction of drains, etc.

MESSRS. K. T. BHASHYAM IYENGAR, B. S RANOJI RAO and B. KESHAVAIYA seconded the motion.

MR. C. SUBBA RAO raised a constitutional issue about the implications involved in the acceptance of the general principles of a private Bill. He desired to know if the Government were going to accept the Bill.

THE FIRST MEMBER OF COUNCIL explained that under the existing rules any member of the Legislative Council could, with the previous sanction of the Dewan, move for leave to introduce a private Bill in accordance with proviso (i) to Section 9 of the Regulation. But this privilege was not given to the Representative Assembly. The Rules Committee, he said, had made certain suggestions in the matter which were being considered. The procedure would be that after a private Bill was passed by the Assembly, any private member of the Legislative Council could bring it up before the Legislative Council, with the permission of the President, and move for leave to introduce the same without having to refer it again to the Assembly formally.

MESSRS. B. KESHAVAIYA and G. B. RAGHAVENDRACHAR enquired what the procedure would be in the case of the mover of a private Bill who happened to be sitting only in the Representative Assembly and not in the Legislative Council.

THE DEWAN replied that he should request a member of the Legislative Council to bring it up before the Council with the permission of the President; or the Government might, if they deem fit, after accepting the Bill in the Assembly, bring it as part of the Government Business. As a further alternative, it was pointed out that the Representative Assembly members might bring the matter in the form of a Resolution and secure the acceptance of Government thereto.

The Dewan further explained that in the case of the two private Bills under consideration, Khan Bahadur Mahomed Abbas Khan was free to move them before the Legislative Council provided they were passed in the Assembly without bringing them up before the Assembly again.

The principles of the Bill were then accepted by the House.

II. Amendment of the Infant Marriage Regulation X of 1894.

During the past several years, due to the awakening of a large section of the people to certain existing social evils, a keen desire has been evinced (and that notably among ladies) to the effect that the minimum marriageable age of girls and boys should be at least 16 and 21 years, respectively. Under the existing Regulation, which was passed in 1894, the minimum age for a girl is fixed at 8. The ideas during the 34 years that have elapsed since the above Regulation was first enacted, have considerably advanced. At the All-India Women's Conference recently held at Delhi, a resolution was passed to increase the age of marriage of girls to 16 years and of boys to 21 years. A similar resolution was passed at the Mysore Ladies' Conference held at Bangalore in December 1927. The States of Baroda, Bhopal and Kashmir, and the Imperial Legislative Assembly have already taken necessary action in this matter and Mysore having been the first to introduce Infant Marriage Regulation, should not hesitate to introduce this reform which is already overdue. The time is now ripe for introducing the necessary amendments in the Regulation for raising the minimum age for girls and boys to 16 and 21, respectively.

The present Regulation restricts its provisions to Hindus only. Among Non-Hindus also several instances of infant marriages have come to notice and as these also need checking, the provisions of the Regulation must be made to extend to all classes by suitable amendments therein.

In explaining the above statement of objects and reasons, Khan Bahadur Mohamed Abbas Khan said that the Bill aimed at promoting the social welfare and prosperity of the people. He drew the attention of the House to the gruesome facts revealed in the Mysore Census

Report of 1921 (page 69) about the deleterious effects of early marriages and quoted the following facts and figures:—

Infant mortality below 1 year	129,443
Infant mortality below 5 years ..	113,000
Mortality between 15 and 20 years—	
Girls	54,000
Boys	45,000

This high mortality, he said, was attributed in the Report itself to the evils of infant marriages. He quoted the following figures from the same Census Report about the number of infant marriages :—

Number of child marriages below 5 years ..	208
Number of child marriages between 5 and 10 years	3,284

As the majority of cases in the above were in contravention of the existing Regulation passed in 1894, 242 cases were prosecuted involving 507 people. Khan Bahadur Mahomed Abbas Khan also quoted the following statistics relating to the child widows in Mysore :—

Number of child widows within 5 years of age ..	320
Number of child widows between 5 and 10 years of age	296

He exhorted the House to ponder over the question whether it was not the bounden duty of every citizen to take suitable measures to check such heavy mortality in the State. He said that he had received several representations from the various women's organizations consisting of all castes and creeds, urging him to move the proposed Bill for raising the minimum marriageable age of boys and girls to 21 and 16, respectively, and that he had submitted all of them in original to Government.

Anticipating the argument that the proposed Regulation was applicable only to the Hindus, Khan Bahadur Mahomed Abbas Khan explained that the evils of early marriage had slowly crept into the other folds also and cited the following figures in support :—

Number of child marriages between 5 and 10 years of age—	
Mahomedans	110
Christians and other castes	4

As Mysore was one of the premier Indian States to impose a legal ban on marriages of girls below the age of 8, the member appealed to the House to give a further lead to the country by raising the age limit consistently with the modern enlightened opinion.

MR. S. N. M. RAZVI opposed the Bill from the point of view of Mohammadans on the ground that no restriction was imposed in the Quoran about early marriages and that the Prophet himself married a girl of 8 years. Such being the case, he was afraid that any attempt at raising the marriageable age by legislation would offend against the sentiments of the Muslims. He also pointed out that several learned Mussalmans in all parts of India were protesting against the measure introduced in the Legislative Assembly of British India as also several Muslim Associations.

In this connection he paid a tribute to the impartial administration of the Mysore State where the Mussalmans enjoyed full freedom in religious matters in spite of the fact that they formed a small minority of the population and requested the authorities not to wound their sentiments by passing the proposed legislation which would tend to interfere with their religious scruples.

MR. P. SUBBARAMA SETTY pointed out that the system of early marriages was prevalent mostly among the Hindus and as such the proposed legislation should be confined only to them. And even among Hindus, the evil was rampant only in two communities, *viz.*, the Brahmin and the Vaisya. If separate statistics had been collected in respect of these two communities, he said, they would be appalling; and hence there was an urgent necessity to bring about the proposed reform.

As regards the views of his community, he referred to the proceedings of the Vysya Conference held in Bangalore a few weeks before, at which a unanimous resolution was passed fixing the marriageable age of boys and girls at 18 and 12, respectively. It was also resolved, he said, that the consummation marriage of girls should not be performed before the 14th year.

He was, therefore, of opinion that instead of raising the marriageable age all at once to 21 and 16, it may be raised to 18 and 14, respectively.

The mover of the amendment also agreed to this suggestion.

MR. B. SRINIVASIENGAR of Anekal was of opinion that social reform would be better achieved by means of propaganda work by the non-official agency than by State action, which was sure to wound the religious susceptibilities of the people.

MR. G. B. RAGHAVENDRACHAR while admitting the

desirability of the measure, apprehended great difficulties in working it. Among the Brahmin and the Vaisya communities there were two stages in the marriage ceremony, *viz.*, betrothal and consummation. Difficulties were sure to arise, he said, in determining the exact age of the girl. He pointed out that child marriage was fast becoming a thing of the past and that the present day parents were not marrying their daughters before they were 12 or 13 due to various circumstances. In his opinion, a better mode of bringing about the reform would be by prohibiting the admission of married boys to the B.A. classes in the Colleges.

MR. A. NARAYANIENGAR strongly opposed the Bill on the ground that the State should not interfere in religious matters, and commended to the House the doctrine of religious neutrality contained in Queen Victoria's Proclamation of 1858. It was impossible for the Brahmin community, he contended to raise the marriageable age as it was totally opposed to the dictates of the Shastras. He added that if States like Kashmir and Bhopal had adopted this reform, it might be due to the fact that the majority of the population in those places were Mussalmans. But Mysore was pre-eminently a Hindu State and the heart of orthodoxy where no radical changes in religious matters would be possible.

He admitted that there was also the same agitation for this reform in British India, but the Government there were proceeding very cautiously and as a first step they had instructed the District Collectors to gauge the strength of public opinion in every quarter.

He did not agree that the large infant mortality to which attention was drawn by the mover was the outcome solely of early marriages, and added that even if it were so, it was widespread and not confined to the two communities alone to which the system of early marriages was confined. He also pointed out that the early marriages among the Brahmins were mere betrothals and the enlightened section of the community was free to extend the age of consent as they pleased. He was therefore of opinion that the proposed Bill could be made applicable only to such of the communities as had the system of post puberty marriages already and not to others.

MR. B. NARASINGA RAO was of opinion that the measure far from helping the Hindu Society, would lay the axe at the root of it; and that it would operate particularly against only two communities, *viz.*, Brahmins and Vaisyas.

He pointed out that the Regulation of 1894 did not transgress the injunctions of the Shastras and even then, before enacting it, the then Dewan Sir K. Seshadri Iyer took care to obtain the sanction of religious heads to its promulgation. Thirty-four years passed since then and in that long interval, the practices and prejudices of the people had changed, and girls were married at a much later age than 8. But, he said that instances of that kind could not be made the ground for forcing a legislation applicable to all. This, he thought, would be tantamount to the introduction of post puberty marriage, which would in its train bring its own evils in addition to direct contravention with the Shastric injunctions.

He added that the marriage which was referred to by the mover was really the betrothal, the real marriage which was the consummation marriage being at a much later date. As such, he did not see what objection there was for marrying a girl, say at the age of 10, while the consummation might take place somewhere at the time mentioned by the mover. Among the Brahmins particularly, he said that it was difficult to get suitable boys and when one was obtained, it would be difficult to give him up in consideration of the fact that the girl was not of 14 years of age. He also said that the ladies themselves would not agree to the reform. The speaker admitted that a large number of girls had died very young, but that was not surely due to the fact of their having been married early. For these reasons, he said that the measure, which interfered with the social customs of the people, should not be accepted by the House. .

MR. M. VENKATAKRISHNAIYA while admitting the necessity for raising the marriageable age of girls and boys, was opposed to the idea of State intervention. He was a believer in the teachings of sages like Dhanvantri who had laid down that the consummation marriage should not be forced on a girl till she attains a proper age when her physical, moral and spiritual forces had begun to develop. In spite of this feeling, he was for respecting the lofty ideal set forth by Queen Victoria in her Proclamation.

MR. M. S. LINGE GOWDA strongly supporting the Bill repudiated the statement made by Mr. Narasinga Rao. He said that the males did not properly appreciate the difficulties of the other sex and that if there had been a few women members in the Assembly, the measure would have had an easy passage through the House. For, many a Women's Association in the several nooks and corners of India had pleaded for the reform and it was not correct to

say that the women as a class were opposed to social legislation. He pointed out that the degeneracy of the Indian was mainly due to early motherhood and fatherhood and it was evident from the fact that the western races where this system was not in vogue had maintained a very good physique and lived much longer.

The contention that the early marriage was a mere betrothal, he said, was false. If it were considered as a betrothal, it should be possible to break it off. But as a matter of fact, betrothal ceremony was a contract binding the husband and wife throughout their life. Besides, there was no system of divorce in India. Mr. Linge Gowda did not also believe in the so-called social ostracism. In his opinion, the Purohits were not so conservative as they were depicted to be and that it would not be very difficult to bring them round by cogent reasoning.

He believed that the lack of sympathy for this measure was due to want of moral courage in the parents of the girls and that was why they always apply the brake in the social advance in the matter of marriage. He appealed to the members of the House to examine this problem from a humanitarian point of view and lend their unstinted support to it.

MR. M. NANJAPPA said that he was convinced from personal experience that early marriage was sapping the vitality of the race. To illustrate it, he referred the House to the physique of the Coorgies who generally married only at a later age, to the labouring classes and the depressed classes.

He was of opinion that such of the communities as were opposed to the measure might be exempted from its operation.

MR. SHAMPUR PAPANNA said that it was high time that people rose above conservative notions. He did not believe that there was any difference morally or religiously between betrothal and consummation.

The argument of the previous speakers that they were precluded from accepting the principles of the Bill as they were opposed to religious scriptures was inconsistent with their attitude in passing the Bill for the "Removal of Sex Disqualification for Candidates," knowing full well that the Shastras laid down that women had no independence.

He pointed out that the period between 14 and 21 years was the formative period of life, especially in the female sex, when the physical and intellectual developments took

place. He had no doubt that by subjecting a girl to the cares and worries incidental to family life and motherhood, at a very young age she suffered both physically and mentally and her growth was stunted. It was for this reason that the enlightened opinion favoured the idea of giving a certain amount of liberty to the women. He appealed to the Brahmin section of the House to give the lead by agreeing to steer a middle course and raise the marriageable age suitably.

MR. VENKATASWAMI GOWDA endorsed the views expressed by Mr. Mohammed Abbas Khan.

MR. H. C. DASAPPA, who spoke in support of the motion, observed that the only community that opposed the measure was the Brahmin community, as the Vaisyas appeared to welcome it. But he made it clear that Khan Bahadur Mahomed Abbas Khan did not move this Bill in the sole interest of the Brahmin community because this custom had spread among other communities also, and he wanted to nip it in the bud. It was generally agreed that this practice has had a very deleterious effect on the rising generation and that if the man-power and woman-power of the country should improve, the social legislation should be passed without delay.

Referring to Mr. Narasinga Rao's statement that the marriage among Brahmins was a mere betrothal and that the real consummation marriage would take place only after the 14th year, Mr. Dasappa enquired whether it was not a fact that a girl was being forced to enter into a life-long partnership with her husband before her attaining the age of discretion. About the justification brought forth by Mr. Narasinga Rao that marriages had to be celebrated earlier because of the fear of losing good bridegrooms, etc., he was of opinion that when once the marrigeable age of girls was raised to 14, all the troubles including the dowry system could be overcome. The present practice of having to marry the girls before puberty at any cost had resulted in improper matching of youths which was harmful to the healthy growth of family life. He also pointed out that it was not a correct statement to make that Sir Seshadri Iyer assured himself before passing the legislation of 1894 that it did not go against the Hindu scriptures, as the very fact that one of the provisions of the Infant Marriage Regulation penalises the marriage of a man of 50 with a girl of less than 14, proves that a practice sanctioned by the Shastras was made punishable by the Regulation. With reference

to the statement that the women class would not agree to marry their daughters after puberty, he said that several important Women's Associations expressed themselves in favour of a measure of this kind, and quoted also the writings of the late Veeresalingam Pantulu, a great social reformer of modern times, who had authoritatively pronounced the opinion that women would be whole-heartedly in favour of the reform if the real benefits thereof were made known to them.

Finally, he exhorted the House to realise that this was the age of reason, that "old order changeth yielding place to new," that such early marriages were not practised anywhere else in the world and that it was high time that the public opinion was properly educated to accept the laudable measure. He condemned the idea of continuing to live as a slave to age-long customs knowing full well that a change was urgently called for and added that so long as people were not adhering nowadays to *Shastras* in many respects, they need no longer fight shy of accepting a desirable measure of social reform.

He also commended to the House the noble lead given by Kemal Pasha in the matter of social reform in Turkey and hoped that the principles of the Bill would be accepted by the House.

MR. B. S. RANOJI RAO disowned his competence to advise the Brahmins who were the most learned in *Shastras* and as they were not inclined to accept the reform, he thought that it might be made applicable to all other communities.

Some of the Vaisya and Lingayet members opposed the motion.

MR. VEMA REDDY spoke in support of the Bill and thought that no one who was against it had said that the principle contained in the measure was wrong. He was not sure when this system of early marriage came into vogue, though he had reason to believe that it was the outcome of certain historical events. He thought that sentiment more than religion was in the way of the opposers ; that *shastras* were being interpreted in different ways by different people, and that we should profit by the latitude given in the *shastras* and adopt all desirable reforms. Hence, he was of opinion that a Committee should be appointed who should frame definite proposals in consultation with the religious heads of the different Mutts, so that the passage of the new measure through the House and the Council might be easy.

MR. HUCHUVEERE GOWDA was of opinion that every community would give its assent to the Bill if the marriageable ages were fixed at 12 and 18 instead of at 14 and 18.

MR. ANJANEYA SETTY pointed out that even the Brahmins were forced sometimes to marry their girls at the age of 13 and 14; that for want of legal sanction, some of them had to do it surreptitiously; that as times had changed, it was desirable to adapt themselves to modern requirements by properly educating the women-folk who were really more conservative in religious matters.

MR. K. T. BHASHYAM IYENGAR said that there was no doubt that early marriage was responsible for many ills of the Hindu society at the present day. But the main question was whether a law of this kind was necessary. Mr. Mahomed Abbas Khan held the view that unless the reform was enforced in the form of a law, the country would not prosper, whereas the opposite party contended that it was against the *shastras*. Speaking for himself, he did not believe that it was laid down definitely in the *Shastras* that girls should be married at such an early age as 8, but pointed out that the Veda, which was common to all, had nowhere prescribed that marriage should be performed at the age of 8; that, on the other hand, the Vedic Mantras employed in the Smritis showed that the girls should be grown up at the time of the marriage and that there was ample proof in the rituals to lead to the inference that the Vedas contemplated late marriages, and quoted a stanza from Yagnavalkya's Smriti which meant that any custom which led to degeneracy might be discorded at any time even if it came in conflict with the Scriptures. He therefore emphasised that the argument that there was Shastric objection to accepting the measure could not hold water.

Continuing, he said that the only question for consideration was whether this reform should be sought for with the aid of Government or by means of propaganda work through the non-official agency. He was glad to find that it was generally agreed even by people like Mr. Narasinga Rao who opposed the measure tooth and nail, that marriage should not be consummated before the girl attained her 14th year. But he said that in olden days when the joint family system was rigorously observed, proper vigilance was being exercised over the young couples. Since this vigilance was wanting under the changed conditions of Hindu society, he felt that that vigilance part should be played by Government. But at the same time

he felt the need to carry the people with the reformers. Now that sex disqualification was removed, he had every hope that better progress would be achieved in future years. Meanwhile, with a view to arrive at a satisfactory compromise, he requested Mr. Abbas Khan to limit his ambition to 12 in the case of girls and 18 in the case of boys.

At this stage the House adjourned for the day to meet again the next day.